

F-6863

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Julio BRAGAGNOLO et al.  
Serial No. : 09/786,098  
Filed : February 28, 2001  
For : PANEL MOUNTING FRAME AND METHOD  
PCT Legal  
Examiner : Bryan Tung

Assistant Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION OF CHRIS OWENS**

Sir:

1. I am a registered Patent Attorney and a partner of the firm F B RICE & CO located at 605 Darling Street Balmain, New South Wales, 2039, Australia.
2. I make this declaration based on personal knowledge and the records of my firm.
3. In all dealings in this matter, the Inventor, NOEL SYDNEY DAVIDSON WOOD, has been known informally as DAVID WOOD.
4. From our files I note that we received an executed assignment signed by David Wood on 25 November 1998. This assignment correctly names David Wood as Noel

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Sydney Davidson Wood and it was from this document that we recorded David Wood's full name on our database. Attached, as Exhibit A is a copy of that assignment.

5. On 11 August 1999, I forwarded a draft PCT specification to our client, Pacific Solar Pty Ltd for review, and at the same time I forwarded Powers of Attorney for signature, including a Power of Attorney for Noel Sydney Davidson Wood. Attached as Exhibits B and C are copies of our letter to Pacific Solar dated 11 August 1999, and Noel Sydney Davidson Wood's Power of Attorney.

6. Final instructions to file the PCT application were received by my firm on 23 August 1999 together with the signed Powers of Attorney. Attached are Exhibits D and E which are respectively a copy of our client's instructing letter (undated) and bearing my firm's "received" stamp dated 23 August 1999, and a copy of Noel Sydney Davidson Wood's signed Power of Attorney.

7. My office subsequently prepared a PCT Request, which I signed, and which was filed on 31 August 1999. This Request named as one of the inventors, "Wood, Noel Sydney David". Attached, as Exhibit F is a copy of the PCT Request.

8. As my office had previously entered David Wood's name in our computer system as Noel Sydney Davidson Wood, and had prepared the Power of Attorney forms forwarded with our letter of 11 August which correctly stated David Wood's name as Noel Sydney Davidson Wood, I believe that it was merely due to a typographical error or lapse of memory that my office mistyped the name Noel Sydney David Wood on the Request form. This was possibly caused by the fact that Mr. Wood prefers to be known as David Wood and it is by this name that he is

usually referred in conversation and correspondence. I also believe that it was for similar reasons that I did not notice the error when signing the PCT Request.

9. As our client and Mr Wood were not required to sign the PCT Request and did not see it, they were each unaware of the error in Mr Wood's name.

10. The error was first brought to my attention by our US Associate, Mr C. Bruce Hamburg when a discrepancy was noted between the name on the US Assignment and the Combined Declaration and Power of Attorney and the name on the PCT Application.

11. This error in Mr. Wood's name was an inadvertent error and was made without deceptive intent.

12. The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting patent, declares that he/she is properly authorized to execute this declaration; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Respectfully submitted,

By   
Chris Owens

Date 18 MARCH 2002

## ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid or to be paid to Noel Sydney Davidson Wood of 136 Middle Harbour Road, Lindfield, 2070 in the State of New South Wales (hereinafter called the "Assignor") the said Assignor hereby sells and assigns to Pacific Solar Pty Limited ACN 067 478 666 of 82-86 Bay Street, Botany, 2019 New South Wales, Australia (hereinafter called the Assignee) his entire right, title and interest for the invention entitled "Roof Mounting System" (hereinafter called the "Invention") and in so doing assert that he is the inventor of said Invention.

The Assignor agrees to execute all papers necessary in connection with any patent application and any continuation, divisional or reissue applications thereof and also to execute separate assignments in connection with such applications in Australia and elsewhere as the Assignee may deem necessary or expedient.

The Assignor agrees to execute all papers necessary in connection with any interference which may be declared concerning any applications in countries other than Australia or continuations, divisions or reissues thereof and to co-operate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

The Assignor agrees to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

The Assignor agrees to perform all affirmative acts which may be necessary to obtain grants of valid patents to the Assignee.

The Assignor hereby authorises and requests the Commissioner of Patents to issue any and all Letters Patent in Australia and/or other countries resulting from said applications or any division or divisions of continuing or reissue applications thereof to the said Assignee, as Assignee of their entire interest, and hereby covenant that they have full right to convey the entire interest herein assigned, and that they have not executed, and will not execute, any agreement in conflict herewith.

In the event that the Assignor are no longer employed or engaged by the Assignee, the implied services will be at normal commercial rates.

In witness hereof, executed by the Assignors and Assignee on the below mentioned date.

DATED this 19<sup>TH</sup> day of NOVEMBER 1998.

SIGNED by the said  
NOEL SYDNEY DAVIDSON WOOD  
in the presence of:

R. Hubble  
(Witness)

) David Wood  
)  
)  
)

SIGNED for and on behalf of  
Pacific Solar Pty Limited  
by DAVID HOGG having been

duly authorised in the presence of:

Janet  
(Witness)

) David Hogg  
)  
) DAVID HOGG  
) Managing Director  
)  
)  
)  
)

Our Ref: 86022

Your Ref: 98/1

11 August 1999

Pacific Solar Pty Limited  
Attention Mr David Hogg  
82-86 Bay Street  
Botany New South Wales 2019

**Pacific Solar Pty Limited, Julio Bragagnolo**  
**Proposed International Patent Application from Provisional**  
**Patent Application No. PP5586**  
**Entitled: "Panel mounting frame and method"**

Dear David

Enclosed please find a draft specification with claims for the above.  
After review, please let me know if the specification is in order for  
filing, or if any amendments are required.

Formal drawings have been ordered.

Also enclosed, Powers of Attorney for signature by yourself on behalf of  
Pacific Solar, Julio Bragagnolo and by David Wood. We do not have  
address, residency or citizenship details on our file for Julio and would  
appreciate you forwarding these to us.

We look forward to receiving your further instructions.

Yours sincerely  
F B RICE & CO

CHRIS OWENS

CO/h/huz/fbg0001

Encl:

**PATENT COOPERATION TREATY****POWER OF ATTORNEY**

(PCT Rule 90.4)

The undersigned applicant hereby appoints:

**F B RICE & CO**  
**Patent Attorneys**  
**605 Darling Street**  
**BALMAIN NSW 2041**

as agent to act on their behalf before all the competent International  
Authorities in connection with the International Application concerning:-

**"PANEL MOUNTING FRAME AND METHOD"**

(Agent's file reference: **86022** ) filed with the Australian Patent Office and to  
receive payments on their behalf.

.....  
Signature.....  
Date

**NOEL SYDNEY DAVIDS** **WOOD**

Name

Inventor/Applicant

**PacificSolar**

BY COURIER

RECEIVED  
23 AUG 1999  
F. B. RICE & CO.

COURIER 1.35

Mr Chris Owens  
F B Rice & Co  
P O Box 117  
Balmain NSW 2041

Dear Chris

Re: Proposed International Patent Application from Provisional  
Patent Application No PP5586  
**Entitled: "Panel mounting frame and method"**  
Our Ref: 98/1 Your Ref: 86022

I refer to your letter of 11 August, 1999.

I have reviewed your draft complete specification and advise it is in order for filing.

Accordingly, I would be grateful if you would now file a PCT application with the specification designating all signatory states.

I am also enclosing a copy of our signed Power of Attorney documents.

Thank you for your attention to this matter.

Best regards

David Hogg  
Managing Director.

Encl.



**PATENT COOPERATION TREATY****POWER OF ATTORNEY****(PCT Rule 90.4)**

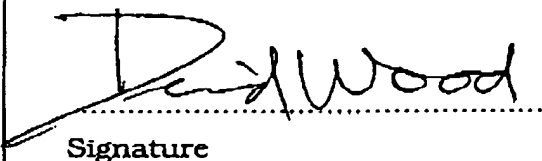
The undersigned applicant hereby appoints:

**F B RICE & CO**  
**Patent Attorneys**  
**605 Darling Street**  
**BALMAIN NSW 2041**

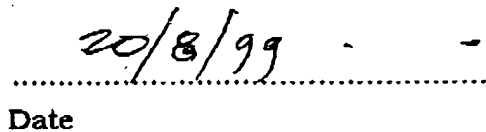
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(Agent's file reference: **86022**) filed with the Australian Patent Office and to receive payments on their behalf.

  
.....

Signature

  
.....

Date

**NOEL SYDNEY DAVIDSON WOOD**

Name

Inventor/Applicant